

12 April 2022

Ref: FOI22 - 0090

Dear Requester,

Thank you for your email of 28<sup>th</sup> February 2022 requesting information under the Freedom of Information Act 2000. Please see the responses to each of your questions below:

**I'd like to make an FOI request about the Dan Peña talk scheduled to take place at the University on 1 March 2022, hosted by University of Exeter Public Speaking Society.**

**I would like to request:**

- 1. The minutes of, attendee lists, and papers presented at any meetings where the Dan Peña talk was discussed. This should include (but not be limited to) Executive Board meetings, Professional Services Leadership Team meetings, Guild liaison meetings, and meetings of the Compliance, Governance, and Risk directorate. Parts of these meetings not relating to the Dan Peña talk do not need to be included in your response.**
- 2. Whether an event consultation panel (as per page 5 of the Guild External Speaker Framework; below) was held for the Dan Peña talk.**
- 3. If an event consultation panel was held, the date and attendees of this.**
- 4. If an event consultation panel was held, any documents presented at any meetings of the panel.**
- 5. If an event consultation panel was held, the minutes of any meetings of this panel.**
- 6. If an event consultation panel was held, any emails between panel members.**
- 7. Any correspondence relating to this event, between any parties. This should include any emails, Teams' messages, WhatsApp messages, and other instant messages.**
- 8. Any risk assessments created for the Dan Peña talk.**

For question 1 – 8 please see the University of Exeter's responses

PDF attached with the email trail relating to Dan Peña,

Teams Message between 25.11.21 and 07.01.22

18.01 – Agenda Event Panel notes

18.01 – Notes from Events Panel

19.01 – Guilds Risk Assessment

20.02 – Review of an External speaker

For questions 1, 2, 3, 4, 5, 6, 7 and 8 the information which you have requested contains some information which is considered to be commercially sensitive and is therefore exempt from disclosure under Section 43 (2) - Commercial Interests of the FOIA. The information would also



include personal data which is exempt under Section 40 (2) of the FOIA and information which would leave the University vulnerable to attack are exempt under Section 31 and Section 42- (1) – legally privileged

Section 42 - (1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information. The emails marked as legally privileged do not have the content included, but remain in the audit trail with subject title to retain the flow of correspondence.

Section 31(1) a and 31(3) – Prejudice the prevention or detection of crime prejudice is also a qualified exemption. In this case the university considered the fact that the information requested goes into significant detail regarding property and information management at the University. In addition, the data includes the locations of special category data and other categories indicating potential value. Providing this level of detail to the public at large would put the University, staff, students and its systems and the data it holds at a significantly increased risk of attack.

Article 30 of the GDPR requires that as a data controller the University makes this documentation available to the supervisory authority on request and as such is accountable to that authority in this matter. As a disclosure to the public at large and given the factors discussed above the University feels that the balance in all cases lies strongly in favour of not disclosing this information under the Freedom of Information Act.

Section 43 (2) is a qualified exemption and as such a public interest test has been carried out. In favour of disclosure we considered the principles of both transparency and accountability in the way a public authority performs its functions. Opposing this we considered the granular nature of the data requested and the harm which would be caused to the University in relation to our relationships with the numerous categories of partners, suppliers. The locations also contains significant details which highlight the working processes and data flows of the University. In a competitive market such data being released into the public domain is highly likely to impact the University's market position for further speakers.

*This response has been prepared in accordance with a request received pursuant to the Freedom of Information Act 2000. The supply of documents under FOI does not give the person who receives the information an automatic right to re-use the documents without obtaining the consent of the copyright holder. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. You must submit this to the Information Governance Office in writing within 40 days of receipt of this notification. Please quote the reference number above.*

*If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. (<https://ico.org.uk/>)*

Kind Regards,

Information Governance

University of Exeter

